S.

FIRST AMENDMENT

BILL NO. 2018-13

ORDINANCE NO. 6622

AN ORDINANCE TO AMEND THE LAND USE AND RURAL NEIGHBORHOODS PRESERVATION ELEMENT OF THE LAS VEGAS 2020 MASTER PLAN TO ESTABLISH THE FORM-BASED CODE LAND USE DESIGNATION AND ADD TRANSECT ZONES AS ALLOWABLE ZONING CATEGORIES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Robert Summerfield, Director of Planning

Summary: Updates the Land Use and Rural Neighborhoods Preservation Element of the Las Vegas 2020 Master Plan to establish the Form-Based Code land use designation and add transect zones as allowable zoning categories.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The document entitled "Land Use and Rural Neighborhoods Preservation Element," hereinafter the "Element," including its appendix, exhibits and maps, as adopted by Ordinance No. 6056, and thereafter amended by Ordinance No. 6152, is hereby further amended as set forth in Sections 2 to 11, inclusive, of this Ordinance. Where sections or provisions of existing language (other than table cell entries) are being amended or added to, deletions are shown by bracketing and additions by underlining.

SECTION 2: The Existing Land Use section of the Element is hereby amended by amending the subpart entitled "Mixed-Use Development" to add to that subpart, at the end thereof, a sixth paragraph, to read as follows:

Form-Based Code (FBC) is a land use regulating system that focuses on the physical form of the built environment, and its relationship to the public realm, instead of the segregation of land uses. As such, the FBC land use designation encourages mixed-use and fosters human scale, a walkable environment, and access to employment, services and amenities for the community. Following the adoption of the Vision 2045 Downtown Las Vegas Masterplan in 2016 the Department of Planning began drafting a Form-Based Code for downtown Las Vegas, as this had been identified as a critical step towards the implementation of the plan. The FBC land use designation was created in 2018 to provide a designation that allows for the utilization of

11

Form-Based zoning districts, also known as Transect Zones or T-Zones, within the Downtown Area (see Exhibit 3).

SECTION 3: The Future Land Use section of the Element is hereby amended by amending the subpart entitled "Downtown Area" to add to that subpart, at the end thereof, a fourth paragraph, to read as follows:

In 2016, the City of Las Vegas adopted the Vision 2045 Downtown Las Vegas Masterplan, which identified the adoption of a Form-Based Code for the twelve identified Districts of downtown as a key step towards implementing the vision established by the policy document. The Vision 2045 Downtown Las Vegas Masterplan also conceptualized the expansion of the overall Downtown Area, which was established through the adoption of the Downtown Las Vegas Overlay (DTLV-O) in 2017, which replaced the previous Downtown Centennial Plan Overlay (DCP-O). To set the framework for the Form-Based Code, a Form-Based Code (FBC) land use designation was created in 2018, to allow for Form-Based Zoning Districts, also known as Transect Zones or T-Zones, to be utilized for properties within the Downtown Area (see Exhibit 3). The FBC land use designation is consistent and concurrent with the Downtown Land Use map of the Las Vegas Redevelopment Area Plan.

SECTION 4: The Future Land Use section of the Element is hereby amended by amending the subpart entitled "Southeast Sector" to add to that subpart, at the end thereof, a second paragraph, to read as follows:

Following the adoption of the Vision 2045 Downtown Las Vegas Masterplan in 2016 and the establishment of the Downtown Las Vegas Overlay District (DTLV-O) in 2017, the Downtown Area boundary was expanded in 2018. The Downtown Area now includes the entirety of the Las Vegas Medical District, as well as portions of the Downtown North Plan Area and the West Las Vegas Plan Area (see Exhibit 5).

SECTION 5: Exhibits 3 and 5 of the Element, pertaining respectively to the Downtown Area Map and to the Southeast Sector Map, are hereby replaced with the Exhibits that are attached to this Ordinance as Exhibit A and Exhibit B, which are hereby adopted and incorporated by this reference.

SECTION 6: The Future Land Use section of the Element is hereby amended by

amending the subpart entitled "Land Use Tables" to amend Table 5 appearing therein, pertaining to Master Plan Land Use Designations, to add, under the column labeled as "Other", a new subcolumn pertaining to the FBC Master Plan Designation. The new subcolumn, to be incorporated into Table 5, shall be labeled "FBC", and shall include the following values with respect to the Maximum Allowable Density (Units per Acre) and Allowable Zoning Categories listed in the table:

Maximum Allowable Density (Units per Acre)	Variable†
Allowable Zoning Categories	See Downtown Area Chart

SECTION 7: The Future Land Use section of the Element is hereby amended by amending the subpart entitled "Land Use Tables" to further amend Table 5 appearing therein to amend the footnote pertaining to the superscript character "†" to read as follows:

† The density of a development within the TND [category] and FBC categories is limited by the approved Zoning Districts or the Development Standards and Design Guidelines document in the case of an approved master planned development.

SECTION 8: The Future Land Use section of the Element is hereby amended by amending the subpart entitled "Land Use Tables" to amend Table 14 appearing therein, pertaining to Downtown Area Land Use Designations, to add, under the column labeled as "Other", a new subcolumn pertaining to the FBC Master Plan Land Use Designation. The new subcolumn, to be incorporated into Table 14, shall be labeled "FBC", and shall include the following values with respect to the Corresponding General Plan Categories and Allowable Zoning Categories listed in the table:

Corresponding General Plan Categories	FBC
Allowable Zoning Categories	T1, T2, T3, T4, T5, T6, SD* (asterisk applicable to all)

SECTION 9: The Future Land Use section of the Element is hereby amended by amending the subpart entitled "Land Use Tables" to further amend Table 14 appearing therein to add a footnote pertaining to the superscript character "*" and referring to the Allowable Zoning Categories listed for the FBC value, to read as follows:

*The Allowable Zoning Categories indicated as T1, T2, T3, T4, T5, T6, and SD include all Form-Based Code

Zoning Districts and Sub-Districts, also referred to as Transect Zones and Sub-Zones, that are indicated as pertaining to the Las Vegas Transect as described in the Unified Development Code.

SECTION 10: The Description of Master Plan Land Use Categories section of the Element is hereby amended by amending the subpart entitled "Downtown Land Use Plan" to add, before the entry entitled "MXU (Mixed- Use)", a new entry entitled "FBC – Form-Based Code", to read as follows:

FBC – Form-Based Code

The Form-Based Code (FBC) category allows for a wide array of uses and development types, which vary depending on the specific neighborhood context and character of the area. Because of the importance of the individual place when considering the application of a Form-Based Code for future development, a comprehensive study and extensive outreach must be carried on before the FBC can be properly utilized on properties.

The focus of the FBC is on:

- The physical character and quality of the public realm
- The human scale of the built environment, including the way that city blocks, structures and the public right-of-way interact with the people
- Accessibility to employment, services and amenities, as well as more transportation options
- Simplification of the by-right development process that has been deemed contextual to the surrounding area

The Zoning Districts allowed within the FBC category are also referred to as Transect Zones, or T-Zones, and are classified using a numbering system that goes from one (1) to six (6). The intensity of development and mix of uses varies depending on the Transect Zone that is taken into consideration, with T1 Zones allowing for the least intensity and mix of uses, and T6 Zones allowing for the most intensity and mix of uses.

SECTION 11: The Overview of General Plan Amendment/Major Modification Process section of the Element entitled "is hereby amended by adding thereto, following the existing paragraphs, a new subpart labeled "Form-Based Code (FBC) Provisions," to read as follows:

Form-Based Code (FBC) Provisions

A change of land use designation for a property that is designated with the FBC designation is generally considered not in the best interest of the effective and consistent development of the community, as doing so would dramatically alter the contextual character of the entire Downtown District or Special Area previously identified and designated with the FBC designation. Additionally, the FBC land use designation allows for a great variety of Zoning Districts, also referred to as Transect Zones or T-Zones, which allow for a wide array of land uses, densities, and types of development. For these reasons, if a special circumstance, which may necessitate the modification of the FBC designation, arise, the applicant should first consider to address such special circumstance not by means of General Plan Amendment, but by maintaining the FBC designation and using, instead, the flexibility provided by the Transect Zones allowed under the FBC designation.

For a change of land use designation for a property designated with the FBC designation, a property owner must submit a General Plan Amendment (GPA) application for review by city staff, Planning Commission, and approval by City Council, following the procedure as provided by the Unified Development Code.

Notwithstanding the provisions above, for a parcel-specific GPA, because of the holistic approach of the FBC and its critical link to the character of the area, in addition to the requirements as set forth in LVMC Chapter 19.16, the following shall apply:

- A Notice of Public Hearing shall be mailed to each owner of real property located within the Downtown District or Special Area identified with the FBC designation in which the property is located. The applicant shall pay the fees associated with the Notice of Public Hearing.
- As part of the application, the applicant shall submit to the Director a study containing clear and convincing evidence that:
    - A viable use of the property cannot be achieved under the FBC designation; and
    - The GPA is necessary to achieve the long-term goals of the specific Downtown District as envisioned in the Vision 2045 Downtown Masterplan or character of the area as described in the Special Area Plan.

SECTION 12: The Department of Planning is authorized and directed to incorporate into the Land Use and Rural Neighborhoods Preservation Element the amendments made by this Ordinance, including, without limitation and as deemed appropriate, reconstituting tables, replacing Exhibits 3 and 5 at the appropriate locations and in final publication versions, and making parallel reference changes and corresponding changes to the table of contents.

SECTION 13: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 14: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this 20TH day of June, 2018.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

_____
LUANN D. HOLMES, MMC
City Clerk

APPROVED AS TO FORM:

_____ 6-18-18
Val Steed, Date
Deputy City Attorney

The above and foregoing ordinance was first proposed and read by title to the City Council on the 6th day of June, 2018, and referred to a committee for recommendation; thereafter the said committee reported favorably on said ordinance on the 20th day of June, 2018, which was a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE":	Mayor Goodman and Councilmembers Tarkanian, Anthony, Coffin Seroka, Fiore and Crear
VOTING "NAY":	None
EXCUSED:	None
ABSTAINED:	None

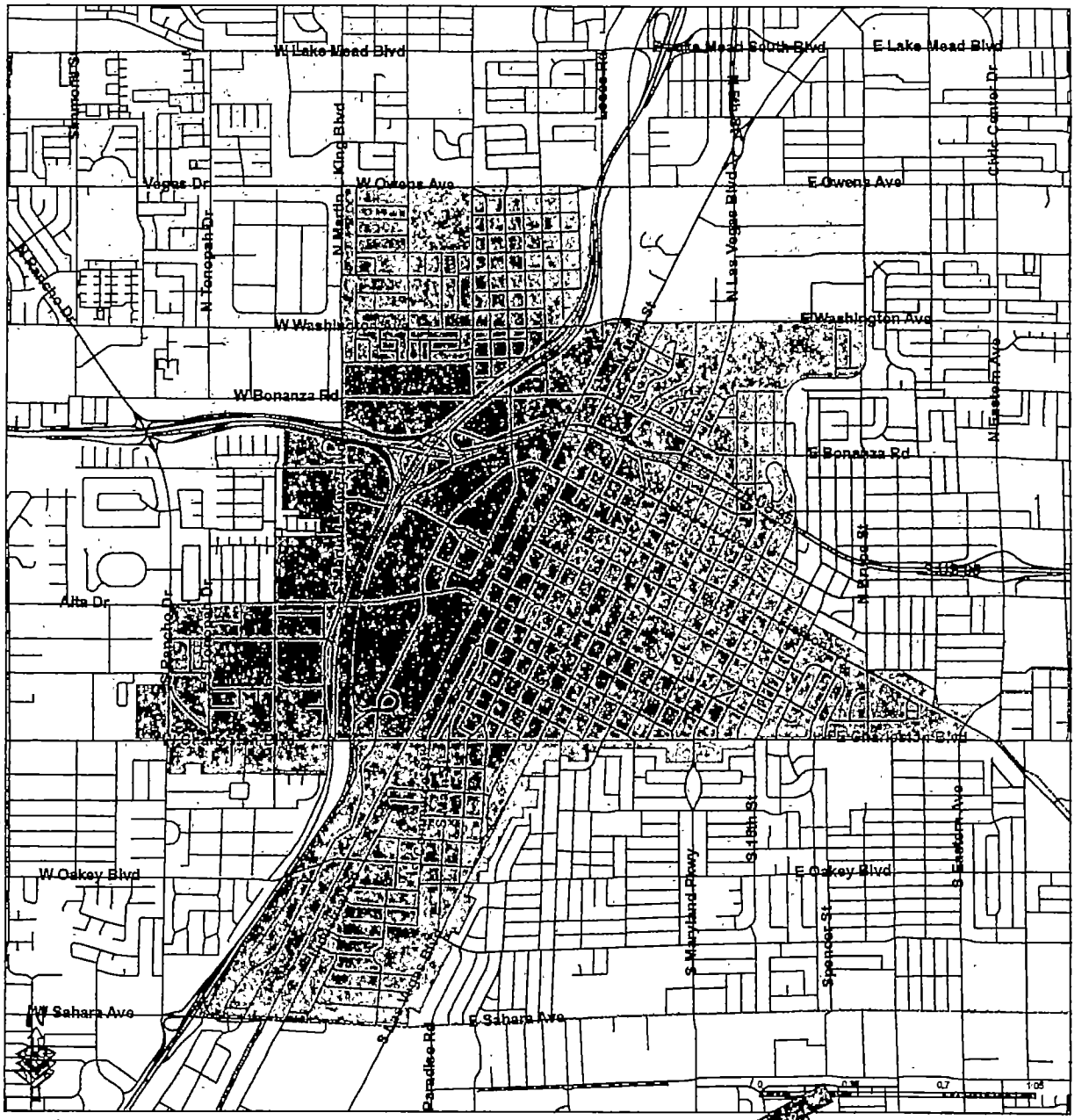
APPROVED:

CAROLYN G. GOODMAN, Mayor

ATTEST:

LUANN D. HOLMES, MMC City Clerk

Exhibit 3:
Downtown Area Map



printed: June 14, 2018

Southeast Sector

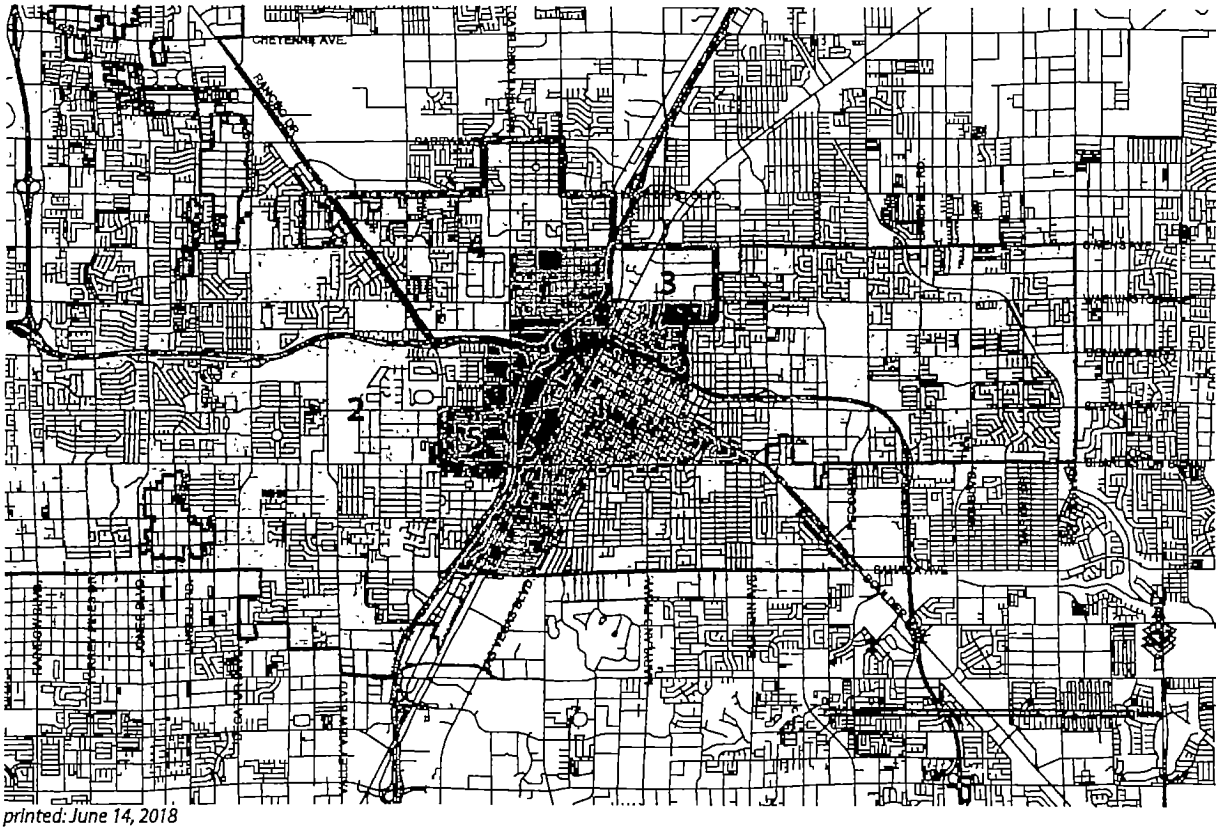
☐ City Boundary

☐ Downtown Area

DRAFT

EXHIBIT A

Exhibit 5:
Southeast Sector Map



printed: June 14, 2018

Freeway

1 Downtown Area

2 Southeast Sector

3 Downtown North Plan Area

4 West Las Vegas Plan Area

5 Las Vegas Medical District

DRAFT

EXHIBIT B

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2018 JUN 12 A 11:54

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # **22515**
Ad Number **0000988705**

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 06/07/2018 to 06/07/2018, on the following days:

06 / 07 / 18

BILL NO. 2018-13

AN ORDINANCE TO AMEND THE LAND USE AND RURAL NEIGHBORHOODS PRESERVATION ELEMENT OF THE LAS VEGAS 2020 MASTER PLAN TO ESTABLISH THE FORM-BASED CODE LAND USE DESIGNATION AND ADD TRANSECT ZONES AS ALLOWABLE ZONING CATEGORIES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by:
Robert Summerfield,
Director of Planning

Summary: Updates the Land Use and Rural Neighborhoods Preservation Element of the Las Vegas 2020 Master Plan to establish the Form-Based Code land use designation and add transect zones as allowable zoning categories.

At the City Council meeting of

June 6, 2018

BILL NO. 2018-13 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: June 7, 2018
LV Review-Journal

/S/
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 7th day of June, 2018

Notary

MARY A. LEE
Notary Public, State of Nevada
Appointment No. 09-8941-1
My Appt. Expires Dec 15, 2020

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2018 JUN 28 A 11:54

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000991430

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 06/23/2018 to 06/23/2018, on the following days:

06 / 23 / 18

FIRST AMENDMENT

BILL NO. 2018-13
ORDINANCE NO. 6622

AN ORDINANCE TO AMEND THE LAND USE AND RURAL NEIGHBORHOODS PRESERVATION ELEMENT OF THE LAS VEGAS 2020 MASTER PLAN TO ESTABLISH THE FORM-BASED CODE LAND USE DESIGNATION AND ADD TRANSECT ZONES AS ALLOWABLE ZONING CATEGORIES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by:
Robert Summerfield,
Director of Planning

Summary: Updates the Land Use and Rural Neighborhoods Preservation Element of the Las Vegas 2020 Master Plan to establish the Form-Based Code land use designation and add transect zones as allowable zoning categories.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 6th day of June, 2018, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 20th day of June, 2018 which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first amended and adopted by the following vote:

VOTING "AYE":
Mayor Goodman and Councilmembers Tarkanian, Anthony, Coffin, Seroka, Flore and Crear

VOTING "NAY": NONE
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA.

PUB: June 23, 2018
LV Review-Journal

/s/ _____
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 25th day of June, 2018

Notary _____

MARY A. LEE
Notary Public, State of Nevada
Appointment No. 09-8941-1
My Appt. Expires Dec 15, 2020